

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

STANDARD CHARTERED FINANCIAL  
SERVICES (LUXEMBOURG) S.A. (f/k/a  
AMERICAN EXPRESS FINANCIAL SERVICES  
(LUXEMBOURG) S.A. and f/k/a AMERICAN  
EXPRESS BANK (LUXEMBOURG) S.A.), as  
represented by its Liquidator HANSPETER  
KRÄMER, HANSPETER KRÄMER, in his  
capacities as liquidator and representative of  
STANDARD CHARTERED FINANCIAL  
SERVICES (LUXEMBOURG) S.A.,

STANDARD CHARTERED BANK  
INTERNATIONAL (AMERICAS) LTD., f/k/a  
AMERICAN EXPRESS BANK  
INTERNATIONAL, and

STANDARD CHARTERED INTERNATIONAL  
(USA) LTD., f/k/a AMERICAN EXPRESS BANK  
LTD.,

Defendants.

Adv. Pro. No. 12-01565 (SMB)

**CERTIFICATION TO COURT  
OF APPEALS BY ALL PARTIES<sup>1</sup>**

<sup>1</sup> This certification complies with Official Bankruptcy Form 424.

A notice of appeal having been filed in the above-styled matter on March 16, 2017 (ECF No. 112), Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff, individually, and Standard Chartered Financial Services (Luxembourg) S.A. (f/k/a American Express Financial Services (Luxembourg) S.A. and f/k/a American Express Bank (Luxembourg) S.A.), as represented by its Liquidator Hanspeter Krämer, Hanspeter Krämer, in his capacities as liquidator and representative of Standard Chartered Financial Services (Luxembourg) S.A., Standard Chartered Bank International (Americas) LTD., f/k/a American Express Bank International, and Standard Chartered International (USA) Ltd., f/k/a American Express Bank Ltd., who are the appellant and all the appellees, hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

☐ is required under 28 U.S.C. § 158(a)

☒ is not required under 28 U.S.C. § 158(a)

This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the Southern District of New York entered on March 6, 2017 (ECF No. 111).

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken. *See* 28 U.S.C. § 158(d)(2)(A)(iii).

SIGNED: April 4, 2017  
New York, New York

By: /s/ Catherine E. Woltering  
**BAKER & HOSTETLER LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Catherine E. Woltering  
Email: cwoltering@bakerlaw.com

*Attorneys for Appellant Irving H. Picard,  
Trustee for the Substantively Consolidated  
SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate of  
Bernard L. Madoff*

By: /s/ Diane L. McGimsey  
**SULLIVAN & CROMWELL LLP**  
125 Broad Street  
New York, New York 10004  
Telephone: (212) 558-4000  
Facsimile: (212) 558-3588  
Sharon L. Nelles  
Email: nelless@sullcrom.com  
Andrew John Finn  
Email: finna@sullcrom.com

1888 Century Park East  
Los Angeles, California 90067  
Diane L. McGimsey  
Email: mcgimseyd@sullcrom.com  
*Admitted pro hac vice*

*Attorneys for Appellees Standard Chartered  
Financial Services (Luxembourg) S.A.,  
Standard Chartered Bank International  
(Americas) Ltd., and Standard Chartered  
International (USA) Ltd.*